



PATENT
Customer No. 22,852
Attorney Docket No. 09707.0001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Kazuo UMEZAWA et al.) Group Art Unit: 1614
Application No.: 10/519,162) Examiner: Michael J Teale
Filed: August 15, 2005) Confirmation No.: 4831
For: DRUG COMPOSITION CONTAINING)
NF- κ B INHIBITOR)

**Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

Sir:

RESPONSE TO RESTRICTION REQUIREMENT

In response to the Office action mailed December 13, 2007, Applicants submit the following remarks. In view of the concurrently filed petition for a three month extension of time, this response is due by Monday, April 14, 2008, and is timely filed.

According to the Office, pending claims 1-26 and 29-34 are directed to nine patentably distinct inventions:

Group I - Claims 1-12, and 20 are drawn to a method of improving at least one symptom resulting from a tumor cell administering compounds of formula (1).

Group II - Claims 13-18 are drawn to a method of enhancing the effect of a therapy administering compounds of formula (1).

Group III - Claim 19 is drawn to a method of inhibiting proliferation of a tumor cell administering compounds of formula (1).

Group IV - Claims 21 and 22 are drawn to method of suppressing the expression of an adhesion molecule administering compounds of formula (1).

Group V - Claims 23 and 24 are drawn to method of inducing apoptosis in a tumor cell administering compounds of formula (1).

Group VI - Claims 25 and 26 are drawn to a method of improving or inhibiting arteriosclerosis administering a NF- κ B inhibitor.

Group VII - Claim 29 is drawn to a method of preventing or inhibiting cancer metastasis administering a NF- κ B inhibitor.

Group VIII - Claims 30-33 are drawn to a method of alleviating or inhibiting cachexia administering compounds of formula (1).

Group IX - Claim 34 is drawn to a method of alleviating or inhibiting cachexia administering a NF- κ B inhibitor.

Office Action, page 2.

Applicants provisionally elect to prosecute Group I, claims 1-12 and 20, without traverse.

The Office further requires election of a particular species of the claimed invention. *Id.* at 3-4. Specially, the Office requires Applicants to elect a compound of formula (1) by defining each and every formula variable such that a single disclosed compound is elected. *Id.* at 4. In response, Applicants elect hydrogen for R1 and (A) for R2 (see claim 1) for a type of compound.

In addition, the office requires Applicants to elect a type of tumor. *Id.* Applicants elect "tumor metastasis" as the type of tumor (see claim 5).

Upon finding the elected species free of the art, Applicants respectfully request that the Office extend its search to the non-elected species.

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Please grant any extensions of time required to enter this response and charge
any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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Dated: April 10, 2008

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